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6 Counsel for Debtor
7 Yesenia Villarreal

8 UNITED STATES BANKRUPTCY COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 LOS ANGELES DIVISION
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13 In re:) Case No.: 2:18-bk-16821-VZ
14 YESENIA VILLARREAL,)
15 Debtor.) Chapter 13
16) OPPOSITION AND NOTICE OF
17) HEARING ON OPPOSITION TO
18) CHAPTER 13 TRUSTEE'S MOTION TO
19) DISMISS
20) DATE: November 13, 2023
TIME: 11:30 A.M.
CTRM: 1368
21) PLACE: 255 E. Temple Street
Los Angeles, CA 90012

22 **NOTICE IS HEREBY GIVEN** that on November 13, 2023, at 11:30
23 a.m. in Courtroom 1368 of the United States Bankruptcy Court
24 located at 255 E. Temple Street, Los Angeles, California 90012
25 the Honorable Vincent P. Zurzolo presiding, the Debtor in the
26 above captioned matter will oppose the Chapter 13 Trustee's
27 motion to dismiss the Debtor's case filed on September 21, 2023
28 [Doc. No. 56].

1 Hearing Date Obtained Pursuant to Judge's Self-Calendaring
2 Procedure: The undersigned hereby verifies that the above
3 hearing date and time were available for this type of Motion
4 according to the judge's self-calendaring procedures.

5
6 DATED: October 3, 2023

PEÑA & SOMA, APC

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8
9 By



LEONARD PEÑA
Attorneys for Debtor

DECLARATION OF LEONARD PEÑA

I, Leonard Peña, declare:

1. The following is based upon my own personal knowledge and, if called upon, I could and would competently testify thereto.

2. I met with the Debtor on October 1, 2023, to discuss the Chapter 13 Trustee's motion to dismiss her case and to find the best manner to respond to the motion.

3. My office delivered to the Chapter 13 Trustee copies of all the outstanding tax returns. The Debtor has not, however, paid her tax refunds to the Chapter 13 Trustee because she had to pay for unexpected expenses and also cover a shortfall in her personal employment income and her tenant's failure to pay rent.

4. Furthermore, the Debtor had to use some of the tax refunds to make adequate protection payments to her mortgage lender to cure a post-petition mortgage delinquency.

5. I believe that the at the best way for the Debtor to resolve the Trustee's motion to dismiss is to file a motion to modify her confirmed plan to waive her obligation to pay to the Chapter 13 Trustee her tax refunds.

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1 6. I anticipate meeting again with the Debtor this
2 weekend to prepare the motion to modify and to file it with the
3 Court.

4 I declare under penalty of perjury under the laws of the
5 United States of America that the above is true and correct.

6 Executed this 3rd day of October 2023, at Los Angeles,
7 California.

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LEONARD PEÑA

In re: Yesenia Villarreal Debtor(s).	CHAPTER: 13 CASE NUMBER: 2:18-bk-16821-VZ
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
402 S. Marengo Avenue
Suite B
Pasadena, CA 91101

A true and correct copy of the foregoing document entitled (*specify*): Notice of Hearing and Opposition To Motion To Dismiss will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 10/3/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Chad L Butler on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, on behalf of the holders of the Impac Secured Assets Corp., Mortgage Pass-Through Certificates, Series 2006-3
caecf@tblaw.com

Nancy K Curry (TR)
TrusteeECFMail@gmail.com

Darren J Devlin on behalf of Creditor Trinity Financial Services, LLC
darren@resolutionfunding.net

Rafael R Garcia-Salgado on behalf of Creditor Trinity Financial Services, LLC
rgarcia@pettitkohn.com, kmurphy@goeforlaw.com

Leonard Pena on behalf of Debtor Yesenia Villarreal
lpena@penalaw.com, penasomaecf@gmail.com; penalr72746@notify.bestcase.com

Andrew Edward Smyth on behalf of Debtor Yesenia Villarreal
office@smythlo.com

William J Smyth on behalf of Debtor Yesenia Villarreal
william@wkdlegal.com, williamsmyth@gmail.com

Jason C Tatman on behalf of Creditor Trinity Financial Services, LLC
jt@nationwidereconveyance.com

United States Trustee (LA)
ustpregion16.la.ecf@usdoj.gov

In re: Yesenia Villarreal Debtor(s).	CHAPTER 13 CASE NUMBER 2:18-bk-16821-VZ
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Robert P Zahradka on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, on behalf of the holders of the Impac Secured Assets Corp., Mortgage Pass-Through Certificates, Series 2006-3
rzahradka@nationalfunding.com

Robert P Zahradka on behalf of Interested Party Courtesy NEF
rzahradka@nationalfunding.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On 10/3/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.
Hon. Vincent P. Zurzolo
United States Bankruptcy Court
255 E. Temple Street, Suite 1360 / Courtroom 1368
Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<u>10/3/2023</u>	<u>NOEMI SANDOVAL</u>	<u>/S/ NOEMI SANDOVAL</u>
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>